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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,492	08/13/2001	Hiroyuki Takakura	826.1740	5320
21171	7590	02/17/2006		
STAAS & HALSEY LLP			EXAMINER	
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1201 NEW YORK AVENUE, N.W.				ART UNIT
WASHINGTON, DC 20005				PAPER NUMBER
			2622	

DATE MAILED: 02/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/927,492	TAKAKURA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Joseph R. Pokrzywa	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 December 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-26 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

09/19/27, 492

Page 2

2622

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/5/05 has been entered.

### *Response to Amendment*

2. Applicant's amendment was received on 11/29/05, and has been entered and made of record. Currently, **claims 1-26** are pending.

### *Claim Rejections - 35 USC § 101*

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. **Claims 25 and 26** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

**Claim(s) 25 and 26** define a "signal" embodied on a carrier wave with functional descriptive material. While functional descriptive material may be claimed as a statutory product (i.e., a "manufacture") when embodied on a tangible computer readable medium, a "signal" per se does not fall within any of the four statutory classes of 35 U.S.C. §101. A "signal" is not a process because it is not a series of steps per se. Furthermore, a "signal" is not a "machine",

“composition of matter” or a “manufacture” because these statutory classes “relate to structural entities and can be grouped as ‘product’ claims in order to contrast them with process claims.” (1 D. Chisum, Patents § 1.02 (1994)). Machines, manufactures and compositions of matter are embodied by physical structures or material, whereas a “signal” has neither a physical structure nor a tangible material. That is, a “signal” is not a “machine” because it has no physical structure, and does not perform any useful, concrete and tangible result. Likewise, a “signal” is not a “composition of matter” because it is not “matter”, but rather a form of energy. Finally, a “signal” is not a “manufacture” because all traditional definitions of a “manufacture” have required some form of physical structure, which a claimed signal does not have.

A “manufacture” is defined as “the production of articles for use from raw materials or prepared materials by giving to these materials new forms, qualities, properties, or combinations, whether by hand-labor or by machinery.” Diamond v. Chakrabarty, 447 U.S. 303, 308, 206 USPQ 193, 196-97 (1980) (quoting American Fruit Growers, Inc. v. Brogdex Co., 283 U.S. 1, 11, 8 USPQ 131, 133 (1931).

Therefore, a “signal” is considered non-statutory because it is a form of energy, in the absence of any physical structure or tangible material, that does not fall within any of the four statutory classes of 35 U.S.C. §101.

NOTE: Refer to Annex IV, section (c) of the USPTO “Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility”, Official Gazette notice of 22 November 2005 (currently at <http://www.uspto.gov/web/offices/com/sol/og/2005/week47/patgupa.htm>).

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1, 3, 4, 6, 7, 20, 22, 24, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Ikeda (U.S. Patent Number 5,938,727).**

Regarding *claim 1*, Ikeda discloses an information conveying system in which an information provider side conveys information to a consumer side via a distribution material distributed by an information distributor (column 4, line 29-column 5, line 19), and a bi-directional information exchange between the information provider side and the consumer side is made (column 4, line 41-column 5, line 19), comprising a converting unit, on at least one of the information provider side and the information distributor side, converting conveyance information conveyed from the information provider side to the consumer side into pattern information recording digital data as a multidimensional code (column 4, line 29-column 5, line 19), the multidimensional code being recorded in at least two directions (column 5, line 31-column 6, line column 7, line 25), a restoring unit, on the consumer side, restoring the pattern information (column 4, line 29-column 5, line 19), and a returning unit, on the consumer side, returning reply information of the conveyance information to at least one of the information provider side and the information distributor side based on the conveyance information that the restoring unit restores from the pattern information (column 4, line 29-column 5, line 19).

Regarding *claim 3*, Ikeda discloses a terminal used by a consumer side in an information conveying system making a bi-directional information exchange between an information provider side and the consumer side (column 4, line 41-column 5, line 19), comprising a restoring unit restoring conveyance information from pattern information printed in a multidimensional code (column 4, line 29-column 5, line 19), the multidimensional code being recorded in at least two directions on distribution material (column 5, line 31-column 6, line column 7, line 25), and a returning unit returning reply information to the information provider side based on the conveyance information that the restoring unit restored from the pattern information (column 4, line 29-column 5, line 19).

Regarding *claim 4*, Ikeda discloses an information conveying system in which an information provider side conveys information to a consumer side via a distribution material distributed by an information distributor (column 4, line 29-column 5, line 19), and a bi-directional information exchange between the information provider side and the consumer side is made (column 4, line 41-column 5, line 19), comprising converting means, on at least one of the information provider side and the information distributor side, for converting conveyance information conveyed from the information provider side to the consumer side into pattern information recording digital data as a multidimensional code (column 4, line 29-column 5, line 19), the multidimensional code being recorded in at least two directions (column 5, line 31-column 6, line column 7, line 25), restoring means, on the consumer side, for restoring the pattern information (column 4, line 29-column 5, line 19), and returning means, on the consumer side, for returning reply information of the conveyance information to at least one of the information provider side and the information distributor side based on the conveyance

information that the restoring unit restores from the pattern information (column 4, line 29-column 5, line 19).

Regarding *claim 6*, Ikeda discloses a terminal used by a consumer side in an information conveying system making a bi-directional information exchange between an information provider side and the consumer side (column 4, line 41-column 5, line 19), comprising restoring means for restoring conveyance information from pattern information printed in a multidimensional code (column 4, line 29-column 5, line 19), the multidimensional code being recorded in at least two directions on distribution material (column 5, line 31-column 6, line column 7, line 25), and returning means for returning reply information to the information provider side based on the conveyance information that the restoring unit restored from the pattern information (column 4, line 29-column 5, line 19).

Regarding *claim 7*, Ikeda discloses an information conveying method with which an information provider side conveys information to a consumer side via a distribution material distributed by an information distributor side (column 4, line 29-column 5, line 19), comprising converting, at the information provider side or the information distributor side, conveyance information to be conveyed from the information provider side to the consumer side into pattern information recording digital data as a multidimensional code (column 4, line 29-column 5, line 19), the multidimensional code being recorded in at least two directions (column 5, line 31-column 6, line column 7, line 25), restoring, at the consumer side, the conveyance information from the pattern information printed on the distribution material (column 4, line 29-column 5, line 19), and returning, from the consumer side, reply information of the conveyance information to at least one of the information provider side and the information distributor side based on the

Art Unit: 2622

conveyance information restored from the pattern information (column 4, line 29-column 5, line 19).

Regarding *claim 20*, Ikeda discloses an information conveying method (column 4, line 41-column 5, line 19), comprising restoring conveyance information from pattern information recording digital data printed in a multidimensional code (column 4, line 29-column 5, line 19), the multidimensional code being recorded in at least two directions on distribution material (column 5, line 31-column 6, line column 7, line 25), and returning reply information to an information provider side based on the conveyance information restored from the pattern information (column 4, line 29-column 5, line 19).

Regarding *claim 22*, Ikeda discloses a computer readable storage medium on which is recorded a program for causing a computer to execute a process, when being used by the computer (column 4, line 29-column 5, line 19, and column 9, lines 9-28), the process comprising restoring pattern information which records digital data printed in a multidimensional code (column 4, line 29-column 5, line 19), the multidimensional code being recorded in at least two directions and is printed on distribution material (column 5, line 31-column 6, line column 7, line 25), and returning reply information to an information provider side based on the conveyance information restored from the pattern information and conveyed from the information provider side (column 4, line 29-column 5, line 19).

Regarding *claim 24*, Ikeda discloses a distribution material on which pattern information is printed record digital data as a multidimensional code (column 4, line 29-column 5, line 19), the multidimensional code being recorded in at least two directions (column 5, line 31-column 6, line column 7, line 25), the pattern information including at least one of provision information

that an information provider side provides to a consumer side (column 4, line 29-column 5, line 19), return information for returning reply information of the provision information (column 4, line 29-column 5, line 19), and a storage program for determining an environment surrounding the consumer side (column 4, line 29-column 5, line 19, and column 9, lines 9-28).

Regarding *claim 26*, Ikeda discloses a computer data signal embodied in a carrier wave and representing control software to control a processor to perform a method (column 4, line 41-column 5, line 19), comprising restoring conveyance information from pattern information that is printed on a distribution material, and records digital data as a multidimensional code (column 4, line 29-column 5, line 19), the multidimensional code being recorded in at least two directions on distribution material (column 5, line 31-column 6, line column 7, line 25), and returning reply information to an information provider side based on the conveyance information restored from the pattern information (column 4, line 29-column 5, line 19).

#### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 2, 5, 7-19, 21, 23, and 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Philyaw (U.S. Patent Number 6,845,388, cited in the Office action dated 7/29/05) in view of Ikeda (U.S. Patent Number 5,938,727).

Art Unit: 2622

Regarding *claim 2*, Philyaw discloses a server (ARS 308) in an information conveying system conveying conveyance information to a consumer side, and receiving a reply to the conveyance information comprising a converting unit converting the conveyance information to be conveyed to the consumer side into pattern information in a multidimensional code (column 8, lines 1-4.7, column 17, lines 1-67, column 20, lines 32-58, and column 23, lines 34-63), and an accumulation unit accumulating information returned from the consumer side in response to the conveyance information restored from the pattern information (column 8, lines 1-47, and column 18, lines 40-46, and column 21, lines 1-28).

However, Philyaw fails to expressly disclose if the multidimensional code is recorded in at least two directions. Ikeda discloses a server (being the site of the WWW homepage) in an information conveying system conveying conveyance information to a consumer side, and receiving a reply to the conveyance information comprising a converting unit converting the conveyance information to be conveyed to the consumer side into pattern information in a multidimensional code (column 4, line 29-column 5, line 19), the multidimensional code being recorded in at least two directions (column 5, line 31-column 6, line column 7, line 25).

Philyaw & Ikeda are combinable because they are from the same field of endeavor, being systems that distribute products having digitally encoded bar codes that are subsequently scanned by a consumer. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the two-dimensional bar code of Ikeda, within the system of Philyaw. The suggestion/motivation for doing so would have been that that a two-dimensional bar-code has sufficient storage capacity to include a number of various identifiers, as recognized by Ikeda in

column 5, lines 31-49. Therefore, it would have been obvious to combine the teachings of Ikeda with the system of Philyaw to obtain the invention as specified in claim 2.

Regarding *claim 5*, Philyaw discloses a server (ARS 308) in an information conveying system conveying conveyance information to a consumer side, and receiving a reply to the conveyance information comprising a converting means for converting the conveyance information to be conveyed to the consumer side into pattern information in a multidimensional code (column 8, lines 1-47, column 17, lines 1-67, column 20, lines 32-58, and column 23, lines 34-63), and accumulating means for accumulating information returned from the consumer side in response to the conveyance information restored from the pattern information (column 8, lines 1-47, and column 18, lines 40-46, and column 21, lines 1-28).

However, Philyaw fails to expressly disclose if the multidimensional code is recorded in at least two directions. Ikeda discloses a server (being the site of the WWW homepage) in an information conveying system conveying conveyance information to a consumer side, and receiving a reply to the conveyance information comprising a converting unit converting the conveyance information to be conveyed to the consumer side into pattern information in a multidimensional code (column 4, line 29-column 5, line 19), the multidimensional code being recorded in at least two directions (column 5, line 31-column 6, line column 7, line 25).

Philyaw & Ikeda are combinable because they are from the same field of endeavor, being systems that distribute products having digitally encoded bar codes that are subsequently scanned by a consumer. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the two-dimensional bar code of Ikeda, within the system of Philyaw. The suggestion/motivation for doing so would have been that that a two-dimensional bar-code has

sufficient storage capacity to include a number of various identifiers, as recognized by Ikeda in column 5, lines 31-49. Therefore, it would have been obvious to combine the teachings of Ikeda with the system of Philyaw to obtain the invention as specified in claim 5.

Regarding *claim 7*, Philyaw discloses an information conveying method with which an information provider side conveys information to a consumer side via a distribution material distributed by an information distributor side (see Fig. 16, and column 16, line 47-column 17, line 17), comprising converting at the information provider side or the information distributor side, conveyance information to be conveyed from the information provider side to the consumer side into pattern information recording digital data as multidimensional code (column 8, lines 1-47, column 17, lines 1-67, column 20, lines 32-58, and column 23, lines 34-63), and restoring, at the consumer side, the conveyance information from the pattern information printed on the distribution material (column 17, lines 18-46), and returning, from the consumer side, reply information of the conveyance information to at least one of the information provider side and the information distributor side based on the conveyance information restored from the pattern information (column 18, line 1-column 19, line 14, and column 20, lines 47-58).

However, Philyaw fails to expressly disclose if the multidimensional code is recorded in at least two directions. Ikeda discloses an information conveying method with which an information provider side conveys information to a consumer side via a distribution material distributed by an information distributor side (column 4, line 29-column 5, line 19), comprising converting, at the information provider side or the information distributor side, conveyance information to be conveyed from the information provider side to the consumer side into pattern information recording digital data as a multidimensional code (column 4, line 29-column 5, line

19), the multidimensional code being recorded in at least two directions (column 5, line 31-column 6, line column 7, line 25)

Philyaw & Ikeda are combinable because they are from the same field of endeavor, being systems that distribute products having digitally encoded bar codes that are subsequently scanned by a consumer. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the two-dimensional bar code of Ikeda, within the system of Philyaw. The suggestion/motivation for doing so would have been that that a two-dimensional bar-code has sufficient storage capacity to include a number of various identifiers, as recognized by Ikeda in column 5, lines 31-49. Therefore, it would have been obvious to combine the teachings of Ikeda with the system of Philyaw to obtain the invention as specified in claim 7.

Regarding *claim 8*, Philyaw and Ikeda disclose the method discussed above in claim 7, and Philyaw further teaches that the conveyance information includes at least one of the provision information that the information provider side provides to the consumer side (column 17, line 47-column 18, line 26), return information for returning the reply information (column 18, lines 1-46), and a storage program determining an environment surrounding the consumer side (column 22, lines 2-55, and column 26, lines 34-65).

Regarding *claim 9*, Philyaw and Ikeda disclose the method discussed above in claim 8, and Philyaw further teaches that the provision information is multimedia information including at least one of character information, still image information, moving image information, and audio information (column 17, line 1-column 18, line 26, and column 20, lines 32-46).

Regarding *claim 10*, Philyaw and Ikeda disclose the method discussed above in claim 8, and Philyaw further teaches that the storage program returns the reply information by making a

connection to a network if the consumer side can make the connection to the network (column 22, line 55-column 23, line 63), or presents information required for returning the reply information with a method which does not make a connection to the network if the consumer side cannot make the connection to the network (column 23, line 34-column 24, line 10).

Regarding *claim 11*, Philyaw and Ikeda disclose the method discussed above in claim 8, and Philyaw further teaches that the storage program identifies a terminal of the consumer side (column 15, lines 2-62, column 17, lines 26-59, column 20, line 47-column 21, line 41).

Regarding *claim 12*, Philyaw and Ikeda disclose the method discussed above in claim 7, and Philyaw further teaches that the information provider side assigns a distribution material identifier for identifying a type of the distribution material to the distribution material (column 17, line 17-59, column 18, lines 15-58, and column 20, lines 32-58) and converts the distribution material identifier into pattern information along with the conveyance information (column 17, line 17-59, column 18, lines 15-58, and column 20, lines 32-58).

Regarding *claim 13*, Philyaw and Ikeda disclose the method discussed above in claim 7, and Philyaw further teaches that the information provider side accumulates the reply information that the consumer side returns (column 8, lines 1-47, and column 18, lines 40-46, and column 21, lines 1-28).

Regarding *claim 14*, Philyaw and Ikeda disclose the method discussed above in claim 7, and Philyaw further teaches that the conveyance information includes questionnaire information for the consumer side (column 13, lines 9-53), and the return information includes a reply result of the questionnaire information (column 13, lines 9-53, and column 18, line 27-column 19, line 32).

Regarding *claim 15*, Philyaw and Ikeda disclose the method discussed above in claim 14, and Philyaw further teaches that the information provider side assigns an identifier to each type of the questionnaire information (column 13, lines 9-53), and converts the identifier into pattern information along with the conveyance information (column 13, lines 9-53, and column 18, line 27-column 19, line 32).

Regarding *claim 16*, Philyaw and Ikeda disclose the method discussed above in claim 15, and Philyaw further teaches that the return information includes the identifier along with the reply result, and the information provider side adds up the reply result by using the identifier (column 13, lines 9-53, and column 18, line 27-column 19, line 32).

Regarding *claim 17*, Philyaw and Ikeda disclose the method discussed above in claim 7, and Philyaw further teaches that the conveyance information includes information for determining winning/losing of a prize (column 15, lines 11-62), and a winning/losing determination program for determining winning/losing of a prize according to the information for determining the winning/losing of a prize (column 15, lines 11-62, and column 18, line 27-column 19, line 32), and identification information set on the consumer side (column 13, lines 9-53, column 15, lines 11-62, and column 18, line 27-column 19, line 32).

Regarding *claim 18*, Philyaw and Ikeda disclose the method discussed above in claim 17, and Philyaw further teaches that the winning/losing determination program immediately notifies the consumer side of a determination result when determining winning/losing of a prize (column 15, lines 11-62).

Regarding *claim 19*, Philyaw and Ikeda disclose the method discussed above in claim 17, and Philyaw further teaches that when the identification information is not set on the consumer

side, the winning/losing determination program assigns the identification information via a network if the consumer side can make a connection to the network (column 15, lines 11-62, and column 22, line 55-column 23, line 63), or presents information required for assigning the identification information with a method which does not make a connection to the network if the consumer side cannot make the connection to the network (column 15, lines 11-62, and column 23, line 34-column 24, line 10).

Regarding *claim 21*, Philyaw discloses a computer-readable storage medium on which is recorded a program for causing a computer to execute a process (whereby ARS 308 inherently stores a program, read in column 10, lines 30-34), when being used by the computer, said process comprises converting the conveyance information to be conveyed to a consumer side into pattern information recording digital data as a multidimensional code (column 8, lines 1-47, column 17, lines 1-67, column 20, lines 32-58, and column 23, lines 34-63), and storing and accumulating replies to the conveyance information, which is returned from the consumer side, in response to the conveyance information restored from the pattern information, in a memory (column 8, lines 1-47, and column 18, lines 40-46, and column 21, lines 1-20).

However, Philyaw fails to expressly disclose if the multidimensional code is recorded in at least two directions. Ikeda discloses a server (being the site of the WWW homepage) in an information conveying system conveying conveyance information to a consumer side, and receiving a reply to the conveyance information comprising a converting unit converting the conveyance information to be conveyed to the consumer side into pattern information in a multidimensional code (column 4, line 29-column 5, line 19), the multidimensional code being recorded in at least two directions (column 5, line 31-column 6, line column 7, line 25).

Philyaw & Ikeda are combinable because they are from the same field of endeavor, being systems that distribute products having digitally encoded bar codes that are subsequently scanned by a consumer. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the two-dimensional bar code of Ikeda, within the system of Philyaw. The suggestion/motivation for doing so would have been that that a two-dimensional bar-code has sufficient storage capacity to include a number of various identifiers, as recognized by Ikeda in column 5, lines 31-49. Therefore, it would have been obvious to combine the teachings of Ikeda with the system of Philyaw to obtain the invention as specified in claim 21.

Regarding *claim 23*, Philyaw and Ikeda disclose the medium discussed above in claim 21, and Philyaw further teaches of embedding a storage program into the program, if the conveyance information restored from the pattern information includes the storage program (column 17, line 47-column 18, line 46, column 22, lines 2-55, and column 26, lines 34-6).

Regarding *claim 25*, Philyaw discloses a computer data signal embodied in a carrier wave and representing control software to control a processor to perform a method (column S, lines 1-47, column 10, lines 30-55, column 22, lines 2-55, and column 26, lines 34-65), comprising converting the conveyance information to be conveyed to a consumer side into pattern information recording digital data as a multidimensional code (column 8, lines 1-47, column 17, lines 1-67, column 20, lines 32-58, and column 23, lines 34-63), and storing and accumulating replies to the conveyance information, which is returned from the consumer side in response to the conveyance information restored from the pattern information, in a memory (column 8, lines 1-47, and column 18, lines 40-46, and column 21, lines 1-28).

However, Philyaw fails to expressly disclose if the multidimensional code is recorded in at least two directions. Ikeda discloses a server (being the site of the WWW homepage) in an information conveying system conveying conveyance information to a consumer side, and receiving a reply to the conveyance information comprising a converting unit converting the conveyance information to be conveyed to the consumer side into pattern information in a multidimensional code (column 4, line 29-column 5, line 19), the multidimensional code being recorded in at least two directions (column 5, line 31-column 6, line column 7, line 25).

Philyaw & Ikeda are combinable because they are from the same field of endeavor, being systems that distribute products having digitally encoded bar codes that are subsequently scanned by a consumer. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the two-dimensional bar code of Ikeda, within the system of Philyaw. The suggestion/motivation for doing so would have been that that a two-dimensional bar-code has sufficient storage capacity to include a number of various identifiers, as recognized by Ikeda in column 5, lines 31-49. Therefore, it would have been obvious to combine the teachings of Ikeda with the system of Philyaw to obtain the invention as specified in claim 25.

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (571) 272-7410. The examiner can normally be reached on Monday-Friday, 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph R. Pokrzywa  
Primary Examiner  
Art Unit 2622

jrp

